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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,486	10/10/2001	Olavi Pikka	30-551	4107

7590 12/21/2001

Nixon & Vanderhye
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 12/21/2001

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

09/889,486

PIKKA ET AL

Examiner

Art Unit

Steve Alvo

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not explain what type device is used as a separation device. Can this be evaporators (214) and/or (314). It is not clear what type of devices are used to separate the wash liquor into liquors of different properties. Can this be a filtrate tank or a washer or press?

New formal drawings are required in this application because many of the structure shown in the drawings are not numbered. For example, separation device (214) in Drawing 3, has not be labeled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the term "so-called" is superfluous and should be deleted. Claim 1, step a) the term "a portion L1 is separated" is indefinite as it does not claim from what the portion is separated. Is this a portion of washer filtrate? Also it states the liquid/filtrate is recycled "counter

currently", but does not state to what it is countercurrent with. The term "physical property" is unduly broad. The liquors differ in concentrations, not physical properties, e.g. color.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/04188 or WO 94/12720 with or without the ADMITTED PRIOR ART. ^{FIG 1} *or TUOMI*

The claims are broadly and vaguely claimed do not define over WO 95/04188 or WO 94/12720. WO 94/12720 teaches separating the filtrate at points (6), wherein some of the filtrate goes to oxygen delignification part to the evaporation where it is separated again to combustion and to wash liquor (4). ⁹⁵⁶⁴¹⁸⁸ WO ~~94/12720~~, Figure 3 teaches filtrate separation from washer (16) to tank after (PO-stage and to lines (6) to 7(7) split again to washer (12) at 7b and to washer filtrate at 7a and to line (8) which goes to washer (17). Also filtrate (3) is split to washer 17 via line (4) and to evaporation BY LINE (5). It would be obvious to the artisan that a separator would separate the various filtrates to their different locations. If WO 95/04188 or WO 94/12720 do not separation devices, then such filtrate separation devices are taught by the ADMITTED PRIOR ART, e.g. the washers and filtrate devices which separate different portions of the filtrate, or TUOMI which teaches using various portions of the wash filtrates, having different amounts of impurities, can be recycled to different parts of the delignification process. It would have been obvious to the routineer that the filtrates of WO 95/04188 or WO 94/12720 could be

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currently”, but does not state to what it is countercurrent with. The term “physical property” is unduly broad. The liquors differ in concentrations, not physical properties, e.g. color.

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The claims are broadly and vaguely claimed do not define over WO 95/04188 or WO 94/12720. WO 94/12720 teaches separating the filtrate at points (6), wherein some of the filtrate goes to oxygen delignification part to the evaporation where it is separated again to combustion and to wash liquor (4). ⁹⁵⁶⁴¹⁸⁸ WO ~~94/12720~~, Figure 3 teaches filtrate separation from washer (16) to tank after (PO-stage and to lines (6) to 7(7) split again to washer (12) at 7b and to washer filtrate at 7a and to line (8) which goes to washer (17). Also filtrate (3) is split to washer 17 via line (4) and to evaporation BY LINE (5). It would be obvious to the artisan that a separator would separate the various filtrates to their different locations. If WO 95/04188 or WO 94/12720 do not separation devices, then such filtrate separation devices are taught by the ADMITTED PRIOR ART, e.g. the washers and filtrate devices which separate different portions of the filtrate, or TUOMI which teaches using various portions of the wash filtrates, having different amounts of impurities, can be recycled to different parts of the delignification process. It would have been obvious to the routineer that the filtrates of WO 95/04188 or WO 94/12720 could be

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separated using the separation devices of the ADMITTED PRIOR ART or TUOMI and recycled to various parts of the process depending upon the amounts of impurities in each portion as taught by TUOMI.

When filing an "Official" FAX in Group 1730, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file. The "Official" FAX phone numbers for this TC 1700 are:

Non-Final Fax: 703-872-9310 After-Final FAX: 703-872-9311

When filing an "Unofficial" FAX in Group 1730, please indicate in the Header (upper right) "Unofficial" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "Unofficial" FAX phone number for this Art Unit (1731) is 703-305-7115.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **703-308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

The **Customer Services Center for Technology Center 1700 (703-306-5665)** shall provide the following service assistance to external and internal customers in the areas listed below:

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